

Sealed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

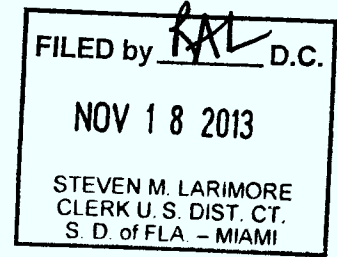
CASE NO. 11-23978-cv-HOEVELER

A1 PROCUREMENT,
UNITED STATES OF AMERICA,
Plaintiffs,

v.

THERMCOR, INC., *et al.*,

Defendants.



FILED UNDER SEAL

**UNITED STATES OF AMERICA'S NOTICE
OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves

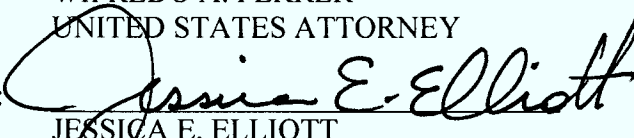
its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, the Government's motions for extension of time, this Notice, and all of the Court's prior orders be unsealed. The United States requests that all other papers on file in this action (the Government's memoranda in support of its motions for extension of time) remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: November 18, 2013

Respectfully Submitted,

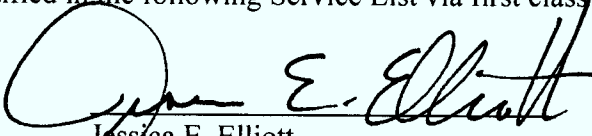
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused to be filed the foregoing sealed document with the Clerk of Court on November 18, 2013. I also certify that the foregoing document is being served this day on all counsel of record identified in the following Service List via first class U.S. mail.


Jessica E. Elliott
Assistant United States Attorney

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